REMARKS

In the Final Office Action, Claims 1-21 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,566,353, to Cho et al. (hereinafter "Cho"), in view of U.S. Patent No. 5,959,945, to Kleiman et al. (hereinafter "Kleiman"). By this amendment, Claims 1-7, 9, 13-14, and 18 are amended, Claim 10 is canceled, and Claim 22 has been added. Claims 1-22 are pending in the present application. In view of the remarks provided below, Applicant respectfully asserts that the pending claims are in condition for allowance and requests an allowance of each of the pending claims.

As presently amended, Independent Claim 1 recites, among other steps, "initiating an automatic request for retrieval, at a display system, of at least one of said plurality of multimedia presentations and at least one of said plurality of scheduling files, wherein said at least one multimedia presentation contains multimedia content and wherein said at least one scheduling file provides scheduling information which defines a predetermined schedule by which the at least one multimedia presentation is to be displayed at said display system . . ." Applicant respectfully asserts that neither Kleiman, Cho, either alone or in combination, discloses, teaches, or suggests this method.

According to the MPEP 2142, "the prior art references (or references when combined) must teach or suggest all the claim limitations" to establish a *prima facie* case of obviousness. In the Final Office Action, the Examiner alleges that although the Cho reference lacks, among other things, "the step of requesting updated scheduling files from the display system" (see Final Office Action, page 2), it would have been obvious for someone to incorporate a jukebox's ability to request music over a network as described in Kleiman with Cho's distribution system to render the submitted Claims as obvious under §103(a). Applicant respectfully asserts that the distribution system in Cho in view of the update process purportedly taught by Kleiman does not teach or suggest all the limitations of the claims, and therefore, fails to establish a *prima facie* case for obviousness.

The systems and methods described in the present claims respond to an update request from a display administrator, by sending **not only the content of the requested multimedia presentations themselves, but also a scheduling file** that can specify when exactly to play

presentation content, how long to display it, how many times, in which order, whether or not to display various combinations of presentation content simultaneously, etc. According to the Final Office Action, Kleiman teaches a "step of sending a request automatically for updated music from said jukebox to a central storage location, based on said statistics determined in said jukebox in order to better serve the customer" (see Final Office Action, page 4). Even assuming, *arguendo*, that Kleiman's ability to request new music over a network for a set of jukeboxes did represent the requesting of updated multimedia presentations, the update request in Kleiman has **no updated scheduling file** containing scheduling information.

In Kleiman the order of the songs is solely determined by the operator of the jukebox, not from information included with the automatic retrieval of music from the central storage location. Conversely, in the present invention, the scheduling information that determines when and how a presentation will be displayed on the display comes at least in part from the information received in response to an update request. For these reasons, the update request for music in Kleiman does not wholly provide nor does it suggest an update process to the Cho distribution system that provides all the limitations described in the present Claims. Therefore, the combination of Cho in view of Kleiman fails to establish a *prima facie* case to render the Claims as presently amended obvious.

Also according to the MPEP 2143.01, "the prior art must suggest the desirability of the claimed invention" to render the present invention as obvious in view of the prior art. Applicant respectfully asserts that the functionality provided by the use of scheduling files in the update requests described in the present invention would in fact be undesirable to implement on the Kleiman jukebox system. The scheduling file of the present invention may specify not only when exactly to play a presentation, how long to display it, how many times, in which order, but also whether or not to display a combination of presentation content simultaneously. However, in Kleiman, one of the most desirable features of a jukebox is the scheduling of music done entirely by the jukebox user. Therefore, incorporating a scheduling file into song updates on the jukebox produces the undesirable effect of taking the song selection and order feature away from the jukebox user. As a result, Kleiman **would not suggest or motivate** the desirability of providing this functionality to the Cho video-loop distribution system to one of ordinary skill in

the art. Furthermore, the versatility of the present inventions' use of scheduling files to display a combination of presentation content simultaneously as well as other features would be undesirable to implement the jukebox system described in Kleiman. The equivalent of displaying a combination of presentation content simultaneously in the Kleiman system would be playing two downloaded songs at the same time over the same speaker. This functionality would be undesirable to the Kleiman system, and thus would not suggest or motivate one of ordinary skill in the art to provide that functionality to Cho.

Moreover, the scheduling file described in the present invention can schedule a display system to utilize some of the presentation content of one presentation to be scheduled (or spliced) together with content of another presentation to allow for the creation of unique presentations for each display. For example, the scheduling file can instruct the audio content of one presentation and the visual content of another presentation to be displayed at the same display system simultaneously, or the animated content of one presentation and a textual content of another presentations could be scheduled by the scheduling file to be displayed at the same display at the same time. In Kleiman, this functionality would be analogous to the ability of not only downloading new songs but scheduling (or splicing) those songs and combining them to make new songs for each individual jukebox in the network. This functionality is beyond that taught in Kleiman and undesirable to the Kleiman system. As demonstrated in the above examples, Kleiman fails to teach or suggest the use of a scheduling file as in the amended claims.

For the above stated reasons the updating process in Kleiman does not teach or suggest the same functionality as the updating processes described in the present claims. As a result, Applicant respectfully submits that Cho in view of Kleiman does not teach or suggest all of the features of the present claims. Because Cho, in view of Kleiman, does not teach or suggest all of the features of Claim 1, independent Claim 1 is allowable. Dependent Claims 2-8, and 22 are therefore allowable as a matter of law.

As each independent claim requires the downloading of a scheduling file, the remaining independent Claims 9, 13, 14 and 18 are allowable for the same reasons discussed above in regard to Claim 1, and further in view of the novel features recited therein. Dependent Claims 11-12, which ultimately depend from independent Claim 9, are allowable for at least the reasons

discussed in regards to Claim 1, and further in view of the novel features recited therein. Dependent Claims 15-17, which ultimately depend from independent Claim 14, are allowable for at least the reasons discussed in regards to Claim 1, and further in view of the novel features recited therein. Dependent Claims 19-21, which ultimately depend from independent Claim 18, are allowable for at least the reasons discussed in regards to Claim 1, and further in view of the novel features recited therein.

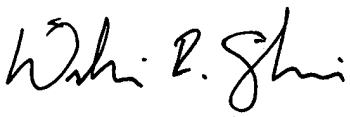
Additionally, Applicant respectfully asserts that Applicant did not waive potential contentions to the Examiner's Official Notice statement in the First Office Action with regards to the §103(a) contention aimed only at Claims 11-12 as they existed at the time of the First Office Action. As Applicant asserted in the response to the First Office Action and as the Examiner acknowledges in the Final Office Action, Cho did not have a limitation addressing "the step of requesting updated scheduling files from the display system." In light of this concession by the Examiner in the Final Office Action and because Claims 11-12 were amended as a result of the First Office Action, Applicant respectfully asserts that Applicant's response to the First Office Action mooted any effect of the Official Notice statements. Because of these occurrences, it became unnecessary to address the Examiner's taking of Official Notice without evidentiary support in the Response to the First Office Action. Therefore, contention of the Official Notice was at no time waived by Applicant. However, even if the ability to contest the Official Notice was waived, both the Examiner's acknowledgement of the Cho reference not expressing all the limitations of the present invention and the current amendments to the claims render any effect of waiving the contention of the Official Notice moot.

CONCLUSION

In view of the amendments, addition, and remarks presented above, it is respectfully submitted that all of the present claims of the application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 19-5029.

Respectfully submitted,



William R. Silverio
Registration No. 45,383

SUTHERLAND ASBILL & BRENNAN, LLP
999 Peachtree Street, NE
Atlanta, Georgia 30309-3996
(404) 853-8214
(404) 853-8806 (fax)
SAB Docket No.: 17929-0002

Certificate of Mailing Under 37 C.F.R. § 1.8(a)

I hereby certify that this paper, along with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Service on November 24, 2004, with sufficient postage as first-class mail in an envelope addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

William R. Silverio